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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,084

03/12/2007

Volker Gedenk

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21839 7590 12/10/2008
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EXAMINER

SMITH, JASON C

ART UNIT

PAPER NUMBER

3617

NOTIFICATION DATE

DELIVERY MODE

12/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/594,084	Applicant(s) GEDENK ET AL.	
	Examiner Jason C. Smith	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/25/06, 03/12/07, 03/25/08, and 06/04/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 09/25/06, 03/12/07, 03/25/08, and 06/04/08 are being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gedenk (2002/0089102) in view of Simpson GB931588.** Gedenk discloses an axlebox-spring-unit of a railway bogie comprising at least one hydraulic spring (2) having a housing being required for a functionality of said hydraulic spring and an axlebox, that at least a part of said axlebox forming at least a part of said housing. Gedenk does not disclose an axlebox or housing. However, Simpson does disclose an axlebox (10) and a housing (12). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an axlebox and housing disclosed in Gedenk in view of the teaching of Simpson. The motivation for doing so would have been to so the spring can serve as the primary suspension for the railway

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vehicle; **[claim 2]** whereby said part of said axlebox comprises a cup shaped region of said axlebox (See Fig. 1);

4. **Regarding claims 2-12**, At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a combination of Gedenk in view of Simpson to overcome claims 2-12 because all of the elements disclosed are taught by these two references. The motivation for doing so would have been to so the spring can serve as the primary suspension for the railway vehicle;

5. **Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gedenk (2002/0089102) in view of Simpson GB931588.** Gedenk discloses an axlebox-spring-unit of a railway bogie comprising: an axlebox comprising at least one cup-shaped region (See Fig. 1); at least one hydraulic spring (2) adapted to be connected to a frame of the bogie; the at least one hydraulic spring being secured to the axlebox to define together with the cup-shaped region a volume (4) for receiving a hydraulic fluid. Gedenk does not disclose an axlebox. However, Simpson does disclose an axlebox (10). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an axlebox disclosed in Gedenk in view of the teaching of Simpson. The motivation for doing so would have been to so the spring can serve as the primary suspension for the railway vehicle; [claim 14] see paragraph 0021; [claim 15] see paragraph 0021; [claims 16-20] see paragraph 0021-0024 and figure 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Smith whose telephone number is (571) 270-5225. The examiner can normally be reached on M- F, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason C Smith/
Examiner, Art Unit 3617

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617